

E-Filed 6/20/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JAMES ALAN BUSH,

Petitioner,

v.

SUNNYVALE DEPARTMENT OF PUBLIC
SAFETY,

Respondent.

Case Number C 08-01354 JF

ORDER¹ DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*

[re: docket no. 1]

Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil action *in forma pauperis* if the court is satisfied that the would-be plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1). The court may deny *in forma pauperis* status, however, if it appears from the face of the proposed complaint that the action is frivolous or without merit. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990); *Tripati v. First National Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987).

As presently drafted, the complaint does not appear to set forth a cognizable claim under federal law. Plaintiff attempts to invoke this Court's jurisdiction under the Alien Tort Claims

¹ This disposition is not designated for publication in the federal reporter.

1 Act, 28 U.S.C. § 1350, and the Torture Victims Protection Act, Pub. L. No. 102-256, 106 Stat.
2 73 (1992) (codified at 28 U.S.C. § 1350, historical and statutory notes). However, Plaintiff fails
3 to set forth facts sufficient to state a claim under either statute. Accordingly, the Court will
4 DENY Plaintiff's application to proceed *in forma pauperis*.

5 SO ORDERED.

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7 DATED: 6/20/08

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11 JEREMY FOGEL
12 United States District Judge
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1 This Order has been served upon the following persons:

2 James Alan Bush
1745 De Marietta Avenue #3
3 San Jose, CA 95126